

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301
Indianapolis, IN 46204
(317) 233-0696
<http://www.in.gov/legislative>

FISCAL IMPACT STATEMENT

LS 6959

BILL NUMBER: HB 1268

NOTE PREPARED: Feb 3, 2005

BILL AMENDED: Feb 3, 2005

SUBJECT: Open Burning.

FIRST AUTHOR: Rep. Pond

FIRST SPONSOR:

BILL STATUS: CR Adopted - 1st House

FUNDS AFFECTED: X GENERAL
DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: (Amended) The bill allows a person who successfully challenges an open burning citation to collect attorney's fees from the Department of Environmental Management or the political subdivision that issued the citation. It also allows a person to open burn wood remnants from construction of a structure if the burn occurs in: (1) an incorporated area that is not designated as a nonattainment area for a regulated air pollutant; and (2) a container located on the same site the construction of the structure occurred.

Effective Date: July 1, 2005.

Explanation of State Expenditures: This bill requires that reasonable attorney's fees be paid for a person who successfully challenges an open burning citation. The fiscal impact of this bill is dependent on the number of successful challenges of open burning citations as well as the corresponding amount of attorney's fees involved with each challenge.

Explanation of State Revenues:

Explanation of Local Expenditures: This bill applies to cities, towns, and counties that have adopted open burning ordinances. See *Explanation of State Expenditures* for fiscal impact.

Explanation of Local Revenues:

State Agencies Affected: IDEM.

Local Agencies Affected: Cities, towns, and counties that have open burning ordinances.

Information Sources:

Fiscal Analyst: Valerie Ruda, 317-232-9867.